

REMARKS

Currently claims 4, 7, 10-12, 20-22 and 29-30 are present in the application. Claims 5, 6, 19, and 23-27 have been cancelled pursuant to this amendment.

Applicants have amended the claims to more precisely define the present invention and distinguish over the cited art.

With respect to independent claim 4, there is claimed a method for automatically forwarding a digital media file by a first party to a second party over a communication network. The digital media file includes at least one digital file. The method includes the step of automatically analyzing the digital media file at a first party for determining if at least a portion of said image matches an image content identifier wherein the image content identifier has an associated electronic address associated with a second party. The method further includes automatically forwarding the digital image from said first party to electronic address of said second party over the communication network if the image content identifier matches a portion of said image. Thus, the present invention is directed to the automatically forwarding and sharing of images between a first and second party. This is done automatically wherein predetermined content identifiers are used to analyze images that are obtained or present at the first party. There is no need for the first party to associate a particular icon with an image as the method includes the analyzing of digital media file for determining if the content identifier matches at least a portion of the image. There is no user involvement of associating a content identifier with the image media file. In addition, there is no need for the user to do anything else if the content image identifier matches a portion of the image as the image file is automatically forwarded to the second party over a communication network.

The Examiner, in paragraph 5 of the official action, rejected claims 4-7, 10, 12, 19-22 and 29-30 under 35 USC § 102(e) as being anticipated by Lloyd-Jones et al. (US Publication No. 2002/0055955) for the reasons set forth in paragraph 6. In the Lloyd-Jones et al. reference the icons are associated with images by the user making selections and providing the association. As set forth in paragraphs 7 through 14, there is provided a displaying of images and a plurality of icons, each icon associated with metadata. There is also disclosed the

selecting of at least one of the icons dependent on at least one of the subject of the image and storing the metadata associated with the selected icon as an annotation to the subject of the image. See also paragraph 34 wherein the user selects the icon 419 that is associated with the image. This is in contrast to the present invention where the content identifier is independent of the actual image. The icon has its own associated information, i.e. an associated electronic address. In the present invention the digital image is automatically analyzed to determine if a portion of it matches the content identifier and then automatically forwards the digital image to the other party if the content identifier matches a portion of the image. This is in contrast to the Lloyd-Jones et al. reference which discloses that the user selects icons to be associated with particular images. In the present invention there is no need for the user to make any particular association with the image as the icons are simply developed independently and then the database having the digital image files are analyzed to determine if the image content identifier matches at least a portion of the image and then forwarding the image if such is present. There is no such teaching or disclosure in the Lloyd-Jones et al. reference. As set forth in paragraph 39 the icon is subsequently selected at step 109 of the method. Thus, it is the user that selects the icon and associated with the image. Accordingly, Applicant respectfully submits that the Lloyd-Jones et al. reference teaches away from the automatic analyzing as taught and claimed by independent claim 4.

With regard to independent claim 7, claim 7 as amended also requires the automatic analyzing the digital image and identified feature when the digital image using a pre-established image content identifier having an associated electronic address at a first address and then automatically transmitting the image to the second remote location over a communication network for display or storage at the second location upon identifying the feature with the image. Accordingly, claim 7 is also patentably distinct over the cited reference for the same reasons as previously discussed with regard to independent claim 4.

Independent claim 10 is directed to a system for automatically sharing of images over a communication network. Here as with independent claim 4, there is an automatic analyzing of the digital image at the first location which is different from the associated electronic address. Independent claim 10 is directed to a system for automatically sharing images over a communication

network which includes similar limitations as previously discussed with regard to independent claim 4, that is, automatic analyzing of images at a first location different from the associated electronic address associated with the image content identifier and then automatically forwarding the images that substantially match the image content identifier over a communication network to the associated electronic address. Accordingly, claim 10 is also patentably distinct for the same reasons previously discussed.

Independent claim 12 again is another independent claim also directed to a system for automatically sharing digital images and is patentably distinct for the same reasons discussed with regard to independent claims 1, 7 and 10, however in this claim reference is made to an associated address as opposed to an electronic address.

Independent claims 20, 21 and 22 are directed to computer software products such that when loaded on a computer will cause the computer to form the steps of automatically analyzing an image file for determining if an image content identifier matches a feature or portion of the image and then automatically transmitting, storing the image on the computer, or automatically storing the image to an electronic address over a communication network if the content identifier matches a portion of the image. Here again these claims are also patentably distinct for the same reasons previously discussed.

The last independent claim 29 is directed to a method for automatically forwarding digital media file by a first party to a second party over a communication network wherein the method includes the step of automatically analyzing digital media file for determining if a portion of an image matches the content identifier wherein the content identifier has an associated electronic address removed from the first location and automatically forwarding a digital image from said first location to the electronic address if the image content identifier is present. In addition, claim 29 includes the limitation of automatically updating the content identifier to reflect a change in the content identifier. Claim 29 is patentably distinct for the reasons previously discussed and in addition the prior art totally fails to suggest the automatically update content identifier to reflect the change in the content identifier. Dependent claim 30 which is dependent upon independent claim 29 further elaborates that the content identifier is the appearance of an individual and comprises a change in the appearance of

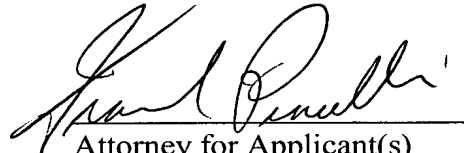
the individual. In summary, it is respectfully submitted that the Lloyd-Jones et al. reference does not teach or suggest the invention as taught and claimed by Applicant. Accordingly the dependent claims are also patentably distinct.

The Examiner has also rejected claims 5-6, 19-20, 23 and 24 under 35 USC § 102(b) as being anticipated by McCoy for the reasons set forth in paragraphs 19 et al. It is respectfully submitted that the McCoy et al. reference fails to teach the invention as currently set forth in the present application. The McCoy reference is merely directed to identifying and retrieving information for identifying individuals. In particular the McCoy image is directed to a biometric identification system for identifying individuals. The system includes a centralized server coupled to a plurality of distributed client workstations that are capable of obtaining biometric information and photographs of an individual. The workstations and server cooperate to rapidly and accurately compare fingerprints of an individual against previously obtained fingerprints stored in the fingerprint database. However, there is no teaching or suggestion of automatically analyzing images to determine if a match exists and automatically forwarding images to an address associated with the content identifier. Since the McCoy reference is directed to an identification system, it could not teach or suggest associating of an address whereby images are automatically forwarded if the content identifier is present. It is respectfully submitted that the McCoy reference fails to teach or suggest the invention as taught and claimed by Applicant.

The Examiner has also rejected claim 11 under 35 USC § 103(a) as being unpatentable over Lloyd in view of Davis et al. (US Publication 2002/0001395) for the reasons set forth in paragraphs 27 et al. In this regard claim 11 is dependent upon independent claim 10 and is patentably distinct for the same reasons previously discussed as the Davis et al. publication fails to teach or suggest anything that would render the independent claims obvious. Likewise, with regard to the remaining rejections, these are all directed to dependent claims and do not add any arguments that would render the independent claims upon which they depend unpatentable.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Pincelli", written over a horizontal line.

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